

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **June 14, 2005**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 50 Monroe Street**

### RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 50 Monroe Street under Section 36-19.5 of the Code of Virginia.

### SUMMARY:

Please see attached information from LRHA including notification to the property owners.

### PRIOR ACTION(S):

NA

### FISCAL IMPACT:

NA

### CONTACT(S):

Edward H. McCann 845-9011

### ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

## RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 50 Monroe Street, parcel 009-05-017 (i) has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 50 Monroe Street; (iv) that the owner of 50 Monroe Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (v) that 50 Monroe Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby authorize the Lynchburg Redevelopment and Housing Authority to acquire the property located at 50 Monroe Street by purchase, lease, gift or through the exercise of eminent domain for the purpose of development and redevelopment, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 50 Monroe Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated and authorized to act on the City's behalf in the acquisition of the property at 50 Monroe Street.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

073P



## **LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY**

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN  
Executive Director

May 9, 2005

Mrs. Patricia W. Kost  
Clerk of City Council  
900 Church Street  
Lynchburg, Virginia 24504

Dear Mrs. Kost:

This is to request City Council schedule a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire the property located at 50 Monroe Street, parcel 009-05-017. At the request of the Authority, a public hearing was scheduled for February 8, 2005, but cancelled when Authority staff learned that the owner would be out of town on that date. The Authority's commissioners directed staff to monitor the property and temporarily suspend acquisition efforts.

The City's Inspections Division addressed this blighted property by citing the owner for code violations which included condemning it and determining it unsafe for human habitation on November 14, 2002. Inspections staff referred it to the Authority in September 2004 because they were unsuccessful in getting the owner to make repairs.

Our staff has also inspected the property noting code violations and deficiencies resulting in its blighted condition. The owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given 60 days to correct the deficiencies. Staff has left several telephone messages and sent written correspondence to the owner over the last several months in an effort to have him repair the property. Staff has observed that some of the shrubbery was cut, but only minimal repairs have been observed.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. The commissioners directed staff at the work session on May 4, 2005, to request City Council hold a public hearing to consider authorizing the acquisition of this property by the Authority. Enclosed is a copy of the resolution adopted by the Commissioners of the Authority on January 13, 2005, proposed resolution for City Council's consideration, notice sent to the owner and pictures of the property.

Please let me know if you need further information.

Very truly yours,

enclosures

cc: Bob Drane, Building Official  
Wayne Craig, Senior Building Inspector

**Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 50 Monroe Street, Parcel 009-05-017, Lynchburg, Virginia pursuant to Code section 36-19.5**

**WHEREAS**, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

**WHEREAS**, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute a serious and growing menace to the public health, safety and welfare; and

**WHEREAS**, the Commissioners of the Authority have made a finding that the dwelling unit located at 50 Monroe Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute a serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

**WHEREAS**, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

**WHEREAS**, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

**WHEREAS**, the owner has failed to correct the deteriorated condition of the dwelling unit.

**THEREFORE, BE IT RESOLVED**, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 50 Monroe Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



## **LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY**

918 COMMERCE ST. P.O. BOX 1298, LYNCHBURG, VIRGINIA 24505 (434) 845-9011

EDWARD H. McCANN  
Executive Director

November 5, 2004

Certified Mail – Return Receipt Requested

Jerry L. Adams  
1213 Gilmore Circle  
Lynchburg, Virginia 24501

Re: Parcel 009-05-017  
50 Monroe Street  
Lynchburg, Virginia

Dear Mr. Adams:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated, that are likely to continue to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on October 21, 2004, and found the following conditions:

1. Condemned and determined unfit for occupancy by city's inspections department on November 14, 2002.
2. Shrubs overgrown.
3. Soffit and fascia deteriorated.
4. Sections of gutters and downspouts missing.
5. Peeling paint on entire structure, window frames and front porch.
6. Debris on front porch.
7. Electrical wires hanging from structure.
8. Broken window panes.
9. Boarded door
10. Section of ceiling on front porch deteriorated.
11. Storm door needs repairing.
12. Vines growing on structure.

Mr. Adams  
November 5, 2004  
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We are requesting that these deficiencies and any other non-compliance with the local building code be corrected within sixty (60) days of receipt of this notice, pursuant to Section 36-19.5 of the Code of Virginia. If these corrections are not completed within that time, the Authority Commissioners may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development and redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snavelly of our staff at (434) 845-9011 if you wish to discuss this.

Very truly yours,

*Connie Snavelly*  
For Edward H. McCann

**50 Monroe Street**  
Pictures taken May 3, 2005

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Below roof line on both sides is only repair to structure observed as of May 3, 2005

**Property Address: 50 Monroe Street**

**Owner's Name: Jerry L. Adams**

**Owner's Address: 1213 Gilmore Circle, Lynchburg, VA 24501**

**Parcel No.: 009-05-017**

**Assessed Value: Land - \$ 900    Improvement - \$ 3,000    Total - \$ 3,900**



**Date of Pictures: January 19, 2005**

**Deficiencies:**

- **Condemned by W. Craig on 11/14/02**
- **Soffit and fascia deteriorated**
- **Gutters and downspouts missing**
- **Peeling paint on entire structure, window frames and front porch**
- **Debris on front porch**
- **Electrical wires hanging down**
- **Broken window panes**
- **Debris in rear of property**
- **Boarded up door**
- **Section deteriorated on front porch ceiling**
- **Storm door needs repairing**
- **Vines growing on structure**